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Attorneys for Plaintiff
ORACLE AMERICA, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

ORACLE AMERICA, INC.

Plaintiff,

v.

GOOGLE INC.

Defendant.

Case No. CV 10-03561 WHA

**DECLARATION OF MARC D. PETERS
IN SUPPORT OF ORACLE AMERICA,
INC.'S OPPOSITION TO GOOGLE
INC.'S MOTION TO STRIKE
PORTIONS OF THE MITCHELL
PATENT REPORT**

Date: September 29, 2011
Time: 8:00 a.m.
Dept.: Courtroom 8, 19th Floor
Judge: Honorable William H. Alsup

1 I, Marc David Peters, declare as follows:

2 I am a partner at Morrison & Foerster LLP and am counsel of record to Plaintiff Oracle
3 America, Inc. I have personal knowledge of the matters set forth herein and, if called to testify,
4 could and would testify competently to the following.

5 1. On February 9, 2011, I participated in a Court-directed meet-and-confer on
6 Oracle's initial Infringement Contentions, served December 2, 2010. We invited Google to pose
7 any questions it wished if it had difficulty understanding Oracle's Infringement Contentions.
8 During the court hearing on February 9, 2011, my partner Michael Jacobs reported to the Court
9 the parties' agreement to engage better with each other in attempting to resolve discovery
10 disputes. At no time afterward did Google pose any queries that correspond to the complaints it
11 makes in its current motion, although its counsel did ask regarding other issues.

12 2. Attached hereto as Exhibit 1 is a true and correct copy of relevant portions of
13 Oracle's Supplemental Infringement Contentions for the '104 Patent, served April 1, 2011
14 (highlights added).

15 3. Attached hereto as Exhibit 2 is a true and correct copy of relevant portions of
16 Oracle's Supplemental Infringement Contentions for the '702 Patent, served April 1, 2011
17 (highlights added).

18 4. Attached hereto as Exhibit 3 is a true and correct copy of relevant portions of the
19 transcript of deposition of John C. Mitchell, Ph.D., taken on September 6, 2011 (highlights
20 added). Protective Order designations have been withdrawn for the attached portions.

21 5. Attached hereto as Exhibit 4 is a true and correct copy of relevant portions of
22 Defendant Google Inc.'s Fourth Supplemental Responses to Plaintiff's Interrogatories, Set One,
23 No. 3 (highlights added).

24 6. Attached hereto as Exhibit 5 is a true and correct copy of relevant portions of the
25 Expert Report of Terence Parr, Ph.D. Regarding Non-Infringement of U.S. Patent No. 5,966,702
26 (highlights added). Protective Order designations have been withdrawn for the attached portions.

